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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/672,401	
	Filing Date	September 26, 2003	
	First Named Inventor	Guzorek, Steven	
	Art Unit	not yet assigned	
	Examiner Name	not yet assigned	
Total Number of Pages in This Submission	4	Attorney Docket Number	23635-218007

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Combined Declaration and Power of Attorney -executed (3pp)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Patrick D. Richards, Esq. Reg. No. 48,905
Signature	<i>Patrick D. Richards</i>
Date	October 30, 2003

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name		Sharon McClain	
Signature	<i>Sharon McClain</i>	Date	October 30, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I/We hereby declare that

This declaration is of the following type:

- ☒ original      ☐ design      ☐ supplemental  
☐ national stage of PCT  
☐ divisional      ☐ continuation      ☐ continuation-in-part

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## WATER HEATER WITH MECHANICAL DAMPER

the specification of which:

- ☐ is attached hereto.  
☒ was filed on Sept. 26, 2003 as Appln. No. 10/672,401 and was amended on \_\_\_\_\_ (if applicable).  
☐ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and was amended under PCT Article 19 on \_\_\_\_\_ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or under 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

COUNTRY	APPLICATION	DATE OF FILING (day, month, year)	PRIORITY CLAIMED			
				YES		NO
				YES		NO

I hereby claim the benefit pursuant to Title 35, United States Code, § 119(e) of the following United States provisional application(s):

PRIOR U.S. PROVISIONAL APPLICATIONS CLAIMING THE BENEFIT UNDER 35 USC 119(e)	
APPLICATION NO.	DATE OF FILING (day, month, year)

- ☐ Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or 365(c) of any PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<b>PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120</b>					
<b>U.S. APPLICATIONS</b>			<b>Status (check one)</b>		
<b>U.S. APPLICATIONS</b>	<b>U.S. FILING DATE</b>		<b>PATENTED</b>	<b>PENDING</b>	<b>ABANDONED</b>
1.					
2.					
3.					
<b>PCT APPLICATIONS DESIGNATING THE U.S.</b>			<b>Status (check one)</b>		
<b>PCT APPLICATION No.</b>	<b>PCT FILING DATE</b>	<b>U.S. SERIAL NOS. ASSIGNED (if any)</b>	<b>PATENTED</b>	<b>PENDING</b>	<b>ABANDONED</b>
4.					
5.					
6.					

<b>DETAILS OF FOREIGN APPLICATIONS FROM WHICH PRIORITY CLAIMED UNDER 35 USC 119 FOR ABOVE LISTED U.S./PCT APPLICATIONS</b>				
<b>ABOVE APPLN. NO.</b>	<b>COUNTRY</b>	<b>APPLICATION NO.</b>	<b>DATE OF FILING (day, month, yr)</b>	<b>DATE OF ISSUE (day, month, yr)</b>
1.				
2.				
3.				
4.				
5.				
6.				

I hereby appoint Joseph H. Paquin, Jr. (Reg. No. 31,647), Margaret M. Duncan (Reg. No. 30,879), John G. Bisbikis (Reg. No. 37,095), Matthew E. Leno (Reg. No. 41,149), Stephen T. Scherrer (Reg. No. 45,080), Patrick D. Richards (Reg. No. 48,905) and Gilberto Hernandez (Reg. No. 46,483) members of the bar of the State of Illinois, and Joy Ann G. Serauskas (Reg. No. 27,952) of the firm McDermott, Will & Emery using the address 227 West Monroe Street, Chicago, Illinois 60606-5096 (Telephone 312/372-2000), my attorneys and/or agent, with full power of substitution and revocation, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith. It is requested that all correspondence be directed to:

John G. Bisbikis  
McDERMOTT, WILL & EMERY  
227 West Monroe Street  
Chicago, Illinois 60606-5096

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Steven E. Guzorek

Inventor's Signature:

Steven E. Guzorek

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9/30/03

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